

Major General Kenneth Hara
State Adjutant General
Hawaii Department of Defense
3949 Diamond Head Road
Honolulu, HI 96816

May 29, 2024

Dear Major General Hara,

We hope this letter finds you in good health and high spirits. We are writing to you on behalf of a deeply concerned group of Active and Retired law enforcement officers throughout the Hawaiian Islands, about the current governance of Hawaii and its impact on the vested rights of Hawaiian subjects under Hawaiian Law.

As you are well aware, the historical transition of Hawai'i from a sovereign kingdom to a U.S. state is fraught with significant legal and ethical issues. The overthrow of the government of the Hawaiian Kingdom in 1893 and its subsequent annexation by the United States in 1898 continue to be an illegal act. The Hawaiian Kingdom was recognized as a Sovereign State by the Permanent Court of Arbitration in The Hague, Netherlands, in *Larsen vs. Hawaiian Kingdom* (<https://pca-cpa.org/en/cases/35/>).

At the center of the dispute, as stated on the PCA's website on the Larsen case, was the unlawful imposition of American laws over Lance Larsen, a Hawaiian subject, that led to an unfair trial and incarceration. It was a police officer, who believed that Hawai'i was a part of the United States and that he was carrying out his lawful duties, that cited Mr. Larsen, which led to his incarceration. That police officer now knows otherwise and so do we. This is not the United States but rather the Hawaiian Kingdom as an occupied State under international law.

It is deeply troubling that the State of Hawaii has not been transitioned into a military government as mandated by international law. This failure of transition places current police officers on duty that they may be held accountable for unlawfully enforcing American laws. This very issue was brought to the attention of the Maui County Corporation Counsel by Maui Police Chief John Pelletier in 2022. In their request to Chief Pelletier, which is attached, Detective Kamuela Mawae and Patrol Officer Scott McCalister, stated:

We are humbly requesting that either Chief John Pelletier or Deputy Chief Charles Hank III formally request legal services from Corporation Counsel to conduct a legal analysis of Hawai'i's current political status considering International Law and to assure us, and the rest of the Police Officers throughout the State of Hawai'i, that we are not violating International Law by enforcing U.S. domestic laws within what the federal lawsuit calls the Hawaiian Kingdom that continues to exist as a nation state under international law despite its government being overthrown by the United States on 01/17/1893.

Police Chief Pelletier did make a formal request to Corporation Counsel, but they did not act upon the request, which did not settle the issue and the possible liability that Police Officers face.

Your failure to initiate such a transition may be construed as a violation of the 1907 Hague Regulations and the 1949 Geneva Convention, which outlines the obligations of occupying powers. Also, your

actions, or lack thereof, deprive Hawaiian subjects of the protections and rights they are entitled to under Hawaiian Kingdom laws and international humanitarian law. According to the Geneva Convention, occupying powers are obligated to respect the laws in force in the occupied territory and protect the rights of its inhabitants. Failure to comply with these obligations constitutes a serious violation and can result in accountability for war crimes for individuals in positions of authority.

The absence of a military government perpetuates an unlawful governance structure that has deprived the rights of Hawaiian subjects which is now at 131 years. The unique status of these rights is explained at this blog article on the Council of Regency's weblog titled "It's About Law—Native Hawaiian Rights are at a Critical Point for the State of Hawai'i to Comply with the Law of Occupation"

(<https://hawaiiankingdom.org/blog/native-hawaiians-are-at-a-critical-point-for-the-state-of-hawaii-to-comply-with-the-law-of-occupation/>). It is imperative that steps be taken to rectify these historical injustices and ensure the protection of the vested rights of Hawaiian subjects.

We also acknowledge that the Council of Regency is our government that was lawfully established under extraordinary circumstances, and we support its effort to bring compliance with the law of occupation by the State of Hawai'i, on behalf of the United States, which will eventually bring the American occupation to a close. When this happens, our Legislative Assembly will be brought into session so that Hawaiian subjects can elect a Regency of our choosing. The Council of Regency is currently operating in an **acting capacity** that is allowed under Hawaiian law.

We urge you to work with the Council of Regency in making sure this transition is not only lawful but is done for the benefit of all Hawaiian subjects. Please consider the gravity of this situation and take immediate action to establish a military government in Hawaii. Such a measure would align with international law and demonstrate a commitment to justice, fairness, and the recognition of the rights of Native Hawaiians.

Thank you for your attention to this critical issue. We look forward to your prompt response and to any actions you will take to address these concerns.

Sincerely,



Alika Desha
Retired Officer
Honolulu Police Department

On Behalf of:

Vic Vierra
Retired Chief of Police
Hawaii Police Dept.

David Heaukulani
Retired Assistant Chief
Honolulu Police Dept.

Karl Godsey
Retired Deputy Chief
Honolulu Police Dept.

Robert Imoto
Retired Captain
Honolulu Police Dept.

George Kaho'ohanohano
Retired Captain
Maui Police Dept.

Leslie Anderson
Retired Lieutenant
Honolulu Police Dept.

Lambert Ohia
Retired Lieutenant
Honolulu Police Dept.

Nicholas Krau (Active)
Lieutenant
Maui Police Dept.

George Gersaba
Retired Lieutenant
Honolulu Police Dept.

Rosalie Lenchanko
Retired Lieutenant
Honolulu Police

Kamuela Mawae (Active)
Detective
Maui Police Dept.

Mike Lupenui
Retired Sergeant
Honolulu Police Dept.

Auggie Roback Jr.
Retired Detective
Honolulu Police Dept.

Jill Kauai
Retired Detective
Honolulu Police Dept.

Vernon Santos
Retired Detective
Honolulu Police Dept.

Joseph Lane
Retired Detective
Honolulu Police Dept.

Rollins Rabara
Retired Sergeant
Hawaii Police Dept.

Russell Paio
Retired Sergeant
Hawaii Police Dept.

Fay Tamura
Retired Sergeant
Honolulu Police Dept.

John Ayat
Retired Sergeant
Honolulu Police Dept.

Robert Miranda
Retired Sergeant
Honolulu Police Dept.

Mike Wong
Retired Sergeant
Honolulu Police Dept.

George Smith
Retired Sergeant
Honolulu Police Dept.

Peter Tampon
Retired Sergeant
Honolulu Police Dept.

Kaena Brown (Active)
Sergeant
Maui Police Dept.

Kalani Miles (Active)
Police Officer
Maui Police Dept.

Duwayne Waipa
Retired Officer
Hawaii Police Dept.

Leland Pa
Retired Officer
Hawaii Police Dept.

Gary Keawe-Aiko
Retired Officer
Honolulu Police Dept.

Billy Roback III
Retired Officer
Maui Police Dept.

David Brown
Retired Officer
Honolulu Police Dept.

Adrian Hussey
Retired Officer
Honolulu Police Dept.

John M Veneri
Retired Officer
Honolulu Police Dept.

Scott McCallister (Active)
Police Officer
Maui Police Dept.

Bruce Heidenfeldt
Retired Reserve Officer
Hawaii Police Dept.

Larry Rutkowski
Retired Officer
Honolulu Police Dept.

CC: Brigadier General Stephen F. Logan
Hawaii Department of Defense
3949 Diamond Head Road
Honolulu, HI. 96816

Lieutenant Colonel Lloyd C. Phelps
Hawaii Department of Defense
3949 Diamond Head Road
Honolulu HI. 96816

TO : JOHN PELLETIER, CHIEF OF POLICE, MAUI POLICE DEPARTMENT *AS 7/12/22*

THRU : CHARLES HANK III, DEPUTY CHIEF, MAUI POLICE DEPARTMENT *07/09/22*
: RANDY ESPERANZA, ASSISTANT CHIEF, INVESTIGATIVE SERVICES BUREAU *RE 07/06/22*
: JOHN FOSTER, CAPTAIN, CRIMINAL INVESTIGATION DIVISION *JUF 6/23*
: GARRET TIHADA, LIEUTENANT, CRIMINAL INVESTIGATION DIVISION *GT 6/22*

FROM : KAMUELA MAWAE, DETECTIVE, CRIMINAL INVESTIGATIONS DIVISION

: SCOTT MCCALISTER, OFFICER, WAILUKU PATROL

SUBJECT : REQUEST FOR LEGAL SERVICES REGARDING U.S. FEDERAL COURT CASE 1:21-cv-00243; HAWAIIAN KINGDOM VS U.S. AND THE STATE OF HAWAI'I

Sir, this to/thru is being sent to request legal services from Corporation Counsel regarding U.S. Federal court case 1:21-cv-00243. Said court case was initially filed on 05/20/2021 and lists the Hawaiian Kingdom as the Plaintiff and multiple U.S. officials to include President Joseph Robinette Biden Jr., as well as multiple foreign consulates operating in Hawaii as Defendants.¹

On 04/24/2022, the Hawaiian Kingdom filed a notice of appeal regarding two orders issued by District Court Judge Leslie Kobayashi that made its way to the Ninth Circuit Court of Appeals. The *Hawaiian Kingdom v. Biden et al.* case was not terminated but is still pending. On 05/20/2022, the Hawaiian Kingdom filed a motion to dismiss for forum non conveniens with the Ninth Circuit.² The United States filed a response to the motion on 05/25/2022.³ On 06/02/2022, the Hawaiian Kingdom filed its reply to the United States' response.⁴

In these filings, the Hawaiian Kingdom draws the court's attention to a State of Hawai'i case, *State of Hawai'i v. Lorenzo*, that came before the Intermediate Court of Appeals in 1994. The Hawaiian Kingdom argues that this case has been used by the federal courts and is known as

¹ Amended Complaint, Hawaiian Kingdom v. Biden et al.

([https://hawaiiankingdom.org/pdf/Amended Complaint and Exhibits 1 & 2%20 \(Filed 2021-08-11\).pdf](https://hawaiiankingdom.org/pdf/Amended%20Complaint%20and%20Exhibits%201%20%20%20(Filed%202021-08-11).pdf)).

² Motion to Dismiss for Forum Non Conveniens ([https://hawaiiankingdom.org/pdf/Dkt 10-1 HK Motion to Dismiss \(Filed 2022-05-20\) with Exhibits.pdf](https://hawaiiankingdom.org/pdf/Dkt%2010-1%20HK%20Motion%20to%20Dismiss%20(Filed%202022-05-20)%20with%20Exhibits.pdf)).

³ United States Response

([https://hawaiiankingdom.org/pdf/%5bDkt 11%5d Federal Appellees Response to Appellants Response \(Filed 2022-05-25\).pdf](https://hawaiiankingdom.org/pdf/%5bDkt%2011%5d%20Federal%20Appellees%20Response%20to%20Appellants%20Response%20(Filed%202022-05-25).pdf)).

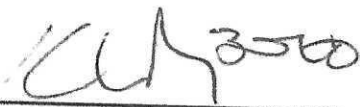
⁴ Hawaiian Kingdom Reply to the United States Response ([https://hawaiiankingdom.org/pdf/22-15637 DktEntry 12-1 to 12-9 HK Reply%20\(Filed%202022-06-02\).pdf](https://hawaiiankingdom.org/pdf/22-15637%20DktEntry%2012-1%20to%2012-9%20HK%20Reply%20(Filed%202022-06-02).pdf)).

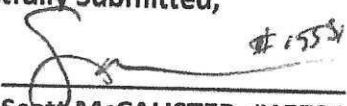
the *Lorenzo* principle that acknowledges the continued existence of the Hawaiian Kingdom and that it also renders the State of Hawai'i and the County governments as unlawful.

On 02/07/2022, while not acting under official capacity as a law enforcement officer, I emailed State Representative Troy Hashimoto informing him of my concerns regarding any possible ramifications that the lawsuit may bring. Said email was subsequently forwarded to Corporation Council Attorney Moana Lutey who responded by informing me that if Corporation Council is to look into this matter, a request for legal services would have to be submitted by "A1 or A2."

International Law Expert and Acting Minister of Interior of the Hawaiian Kingdom, Dr. David Keanu Sai, has conducted presentations providing information regarding the Federal complaint and the continued existence of the Hawaiian Kingdom as an independent nation state, however one under prolonged belligerent occupation by the United States of America at the international level to include the Maui County Council and the Maui SHOPO chapter board. Dr. Sai further stated that we as police officers could be committing war crimes by enforcing U.S. domestic law on Hawaiian soil. Dr. Sai is also the Head of the Royal Commission of Inquiry along with Professor Federico Lenzerini from the University of Siena as Deputy Head.⁵ The Commission's first preliminary report was on the material elements of war crimes and ascertaining the *mens rea*.⁶ The Commission's latest preliminary report is on the *Lorenzo* doctrine⁷ that is being used in the federal lawsuit that acknowledges the Hawaiian Kingdom's continued existence as a State and why the State of Hawai'i is unlawful. The *Lorenzo* doctrine stems from a 1994 appellate case of *State of Hawai'i v. Lorenzo*.

We are humbly requesting that either Chief John Pelletier or Deputy Chief Charles Hank III formally request legal services from Corporation Counsel to conduct a legal analysis of Hawai'i's current political status considering International Law and to assure us, and the rest of the Police Officers throughout the State of Hawaii, that we are not violating International Law by enforcing U.S. domestic laws within what the federal lawsuit calls the Hawaiian Kingdom that continues to exist as a nation state under international law despite its government being overthrown by the United States on 01/17/1893.


Kamuela MAWAE, #13010
06/15/2022 @ 1630 hours

Respectfully Submitted,

Scott McCALISTER, #15531

⁵ Hawaiian Kingdom Royal Commission of Inquiry (<https://hawaiiankingdom.org/royal-commission.shtml>).

⁶ Royal Commission of Inquiry, *Preliminary Report—The Material Elements of War Crimes and Ascertaining the Mens Rea* (May 24, 2020) (https://hawaiiankingdom.org/pdf/RCI_Preliminary_Report_Mens_Rea.pdf).

⁷ Royal Commission of Inquiry, *Preliminary Report—The Lorenzo doctrine on the Continuity of the Hawaiian Kingdom as a State* (June 7, 2022) (https://hawaiiankingdom.org/pdf/RCI_Preliminary_Report_Lorenzo_Doctrine.pdf).

REQUEST FOR LEGAL SERVICES

DATE: 7/13/2022

From: Chief John Pelletier

Department/Division: MPD

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL

Attention: Keola Whittaker

Subject: Hawaiian Kingdom v. U.S. and the State of Hawaii, Case No.: 1:21-cv-00243

Background Data:

MPD requests research and a legal analysis on whether MPD is in violation of any federal and/or international by enforcing laws against the "Hawaiian Kingdom" as stated in the lawsuit.

Work Requested: [] FOR APPROVAL AS TO FORM AND LEGALITY
[] OTHER: Legal Research

Requestor's signature: [Handwritten Signature]
Contact Person: Angela Andrade
(Telephone Extensions: 6304
Email: angela.andrade@mpd.net

[] ROUTINE (WITHIN 15 WORKING DAYS)
[] PRIORITY (WITHIN 10 WORKING DAYS)
[] SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES):
[] RUSH (WITHIN 5 WORKING DAYS)
[] URGENT (WITHIN 3 WORKING DAYS)

REASON:

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: KRW ASSIGNMENT NO. 2022-1092 BY: GMR

TO REQUESTOR: [] APPROVED [] DISAPPROVED [X] OTHER (SEE COMMENTS BELOW)
[] RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS

AS NOTED:
COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): Thank you for forwarding this letter. We will keep it on file. There is no need for any MPD personell to respond to the request.

DEPARTMENT OF THE CORPORATION COUNSEL

Date July 15, 2022

By [Handwritten Signature]